

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLAN WHITE,

Plaintiff,

-vs-

Case No. 02-71710
Hon. AVERN COHN

HARRY TRAPP, et al.,

Defendants.

ORDER

This is a prisoner civil rights case under 42 USC §1983. Plaintiff Allan White, an African American, claims in essence that he was released from a legal writing program without cause, while Caucasians in the same circumstances were allowed to withdraw. Defendants are Harry Trapp, supervisor of the program; Tom Phillips, warden of the prison and Marjorie Van Ochten, an administrator with overall responsibility for the program. The Court dismissed the case. The Court of Appeals for the Sixth Circuit reversed, stating there were issues for trial. The Court of Appeals' decision did not distinguish between the three defendants. However, fairly read in light of plaintiff's narrative statement regarding the nature of his proofs, it cannot be said that Van Ochten had any liability for what occurred, and that there is no viable claim in the case against her. To remove any doubt, the case against Van Ochten is DISMISSED. The case against Trapp and Phillips continues.

The case shall go to trial on the basis of plaintiff's Amended Pretrial Statement filed February 14, 2005, a copy of which is attached. What is missing from the Statement is a numbered list of the exhibits plaintiff proposes to enter into evidence. The list shall be filed with the Court within twenty (20) days.

As the Court reads the file, this is a jury trial.

The Court will hold a final pretrial conference on Tuesday, May 23, 2006, at 2:00 p.m., at which time a trial date will be set.

SO ORDERED.

Dated: April 13, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 13, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160